

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHUONG A. NGUYEN,

Defendant.

CASE NO. CR15-0120-JCC-11

ORDER

This matter comes before the Court on Defendant's motion for a reduction in sentence (Dkt. No. 1433). Having considered the briefing and the relevant record, the Court DENIES the motion for the reasons explained herein.

The Court sentenced Defendant to a custodial term of 144 months for conspiracy to distribute controlled substances and possession of a firearm in furtherance of a drug trafficking crime. (*See* Dkt. No. 619.) Defendant now asks for a reduction of this sentence, pursuant to Amendment 821 to the United States Sentencing Guidelines ("USSG"). (*See* Dkt. No. 1433.) The request is based on the Sentencing Commission's change to the calculation and application of status points to an offender's criminal history category. (*Id.* at 1.)¹

To qualify for a sentence reduction, amongst other requirements, it must be consistent

¹ The amendment reduced status points in certain instances. *See* USSG Amendment 821, Part A.

1 with the Sentencing Commission's applicable policy statements. 18 U.S.C. § 3582(c)(2); *see*
2 *United States v. Waters*, 771 F.3d 679, 680 (9th Cir. 2014) (per curiam). And according to USSG
3 § 1B1.10(a)(2)(B), a sentencing court may not reduce a sentence when the retroactive
4 amendment does not result in a lower sentencing range.

5 Here, Defendant's sentencing range is not altered by Amendment 821. This is due to
6 Defendant's career offender status. (*See* Dkt. No. 579 at 10.) At the time of sentencing, the Court
7 concluded that Defendant's applicable criminal history category was VI. (*Id.*) According to the
8 career offender table for § 924(c) (firearm) offenses, this resulted in a guideline range of 262–
9 327 months. (*Id.*) The same remains true under Amendment 821. As a career offender,
10 Defendant's criminal history is still VI, *regardless* of his status points. *See* USSG § 4B1.1(b).

11 Accordingly, Defendant's motion for a reduction in his sentence (Dkt. No. 1433) is
12 DENIED.

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14 DATED this 6th day of November 2024.

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18 John C. Coughenour
19 UNITED STATES DISTRICT JUDGE
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